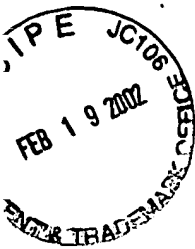


-IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:

Wright et al.

Serial No. 09/415,696

Filed: October 12, 1999

Title: "RECLOSABLE FASTENER
PROFILE SEAL AND METHOD
FORMING A FASTENER
PROFILE ASSEMBLY"

Attorney Docket No.: 021276-9044

United States Postal Service Express Mail
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Date: February 19, 2002

Examiner: Jes F. Pascua

Art Unit: 3727

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DECLARATION Under 37 C.F.R. §1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

DECLARATION

We, Donald K. Wright and Christopher Pemberton, citizens of the United States of America and two of three joint inventors for the subject application, declare that:

1. I, Donald K. Wright, hold a bachelors degree in psychology from Southern Illinois University, which is located in Carbondale, and an MBA in business administration also from Southern Illinois University.

2. I am a co-owner of Com-Pac International, Inc. of Carbondale, Illinois, the assignee of the subject application, and have been active in developing and manufacturing reclosable fasteners with Com-Pac International, Inc for more than ten years.

3. I have 10 years of experience in manufacturing for Olin Corporation, and 10 years experience in sealing reclosable fastener at Com-Pac.

4. I, Christopher Pemberton, have a bachelors degree in industrial engineering from Southern Illinois University, and have also worked at Com-Pac for 9 years.

5. Because of our formal education and because we have amassed considerable experience during our period of employment with Com-Pac International, Inc., We are experts in the field of reclosable fastener manufacturing.

6. Exhibit I is a photograph of a compression molded seal including a fused section of said first and second profile strips formed through the application of heat and pressure; said fused section is substantially flattened to form an airtight seal of said first and second profile strips, without distorting said first and second profile strips outside of said fused

section, thereby maintaining said airtight seal of said first and second profile strips when interlocked, in accordance with pending independent claims 1 and 18 of the subject application.

7. In our expert opinion, the compression molded seal shown in Exhibit II is an air tight seal.

8. The term compression molding means to compress, mold and shape the heated plastic over a sufficient period of time so as to gradually form a flattened seal which is air tight, the plastic filling all voids, while at the same time not distorting (stretching, elongating or changing the shape of) the portions of fastener profiles which are outside the flattened seal.

9. In our expert opinion, "spot welding" is a term of art that has a definite meaning in the field of reclosable fastener manufacturing.

10. In our expert opinion, "heat sealing" is a term of art that has a definite meaning in the field of reclosable fastener manufacturing.

11. In our expert opinion, spot welding a zipper profile of a reclosable fastener for a bag does not ordinarily produce an air tight seal; the seal is simply crushed and melted leaving voids through the seal. In our experience such spot welded zipper profiles are not air tight.

12. In our expert opinion, heat sealing a zipper profile of a reclosable fastener for a bag does not ordinarily produce an air tight seal; it means simply applying heat and pressure. In our experience, such heat sealed zippers are not air tight.

13. In our expert opinion, spot welding a zipper profile of a reclosable fastener for a bag, and then heat sealing the zipper profile of the reclosable fastener for the bag, does not ordinarily produce an air tight seal; again voids are left through the seal. Exhibit V is a typical spot welded bag, which is heat sealed at the ends of the zipper profile. It is manufactured by the assignee listed on U.S. Pat. No. 4,589,145. The reclosable fastener profiles are not air tight.

14. Exhibit II is a photograph of a spot weld on a zipper profile of a reclosable fastener for a bag.

15. In our expert opinion, the spot weld shown in Exhibit II did not produce an air tight seal. In our experience such spot weld bags are not air tight.

16. Exhibit III is a photograph of a typical spot welding station, which is commonly used, in the reclosable manufacturing industry. The spot welding station includes a horn and an anvil and a groove may be seen on the anvil, which produces a "spot" seal.


17. Exhibit IV is a photograph of a spot welding on a zipper profile of a reclosable fastener for a bag, which has subsequently been heat sealed on the zipper profile

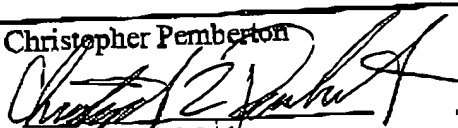
18. In our expert opinion, the spot weld which has been subsequently heat sealed, shown in Exhibit IV, did not produce an air tight seal. In our experience such spot welded zipper profiles which have been subsequently heat sealed on their ends still do not produce an air tight seal.

19. Exhibit V is another photograph of spot welding on a zipper profile of a reclosable fastener for a bag, which has subsequently been heat sealed on the zipper profile

20. In our expert opinion, the spot weld which has been subsequently heat sealed, shown in Exhibit V, did not produce an air tight seal. In our experience such spot welded zipper profiles which have been subsequently heat sealed on their ends still do not produce an air tight seal.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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